

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

RICHARD ASLIN, KETURAH BIXBY,
JESSICA CANTLON, BENJAMIN HAYDEN,
SARAH HEILBRONNER, CELESTE KIDD,
BRADFORD MAHON, ELISSA NEWPORT,
and STEVEN PIANTADOSI,

NOTICE OF MOTION

Plaintiffs,

Case No.: 6:17-cv-06847-DGL

vs.

UNIVERSITY OF ROCHESTER,
JOEL SELIGMAN, and ROBERT CLARK,

Defendants.

PLEASE TAKE NOTICE that upon the accompanying Memorandum of Law and all pleadings and proceedings had herein, defendants University of Rochester, Joel Seligman, and Robert Clark will move this Court, at a date and time to be set by the Court, at the Kenneth B. Keating Federal Building, 100 State Street, Rochester, New York 14614, before the Honorable David G. Larimer, United States District Judge, for an Order, pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure and the precedent and authority cited in defendants' Memorandum of Law, dismissing plaintiff's Complaint and this action in its entirety, with costs, and granting such other and further relief as the Court deems just. In the alternative, if any portion of the Complaint is not dismissed outright, defendants request an Order, pursuant to Federal Rules of Civil Procedure 5.2, 8(a), 10(b), and 12(f) and Local Rules of Civil Procedure 5.3, and all precedent and authority cited in defendants' Memorandum of Law, striking all immaterial, impertinent, and scandalous allegations from plaintiffs' Complaint and requiring plaintiffs to re-plead any counts that have not been dismissed in accordance with the Federal Rules of Civil Procedure 8 and 10.

PLEASE TAKE FURTHER NOTICE that defendants intend to file and serve reply papers, and any opposition must be served in accordance with Local Rule of Civil Procedure 7.

Dated: February 5, 2018

WARD GREENBERG HELLER & REIDY LLP

s/ Eric J. Ward

Eric J. Ward (eward@wardgreenberg.com)

Meghan M. DiPasquale (mdipasquale@wardgreenberg.com)

Tony R. Sears (tsears@wardgreenberg.com)

1800 Bausch & Lomb Place

Rochester, New York 14604

(585) 454-0700

Attorneys for Defendants

TO: McAllister Olivarius
John F. McAllister, Esq.
68 Putnam Street
PO Box 173
Saratoga Springs, NY 12866
(518)633-4775
jmcallister@mcotlaw.com
-and-
Stephen G. Grygiel, Esq.
201 N. Charles St. 26th Floor
Baltimore, MD 21201
(410)385-2225
sgrygiel@mdattorney.com
Attorneys for Plaintiffs